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OFFICE OF PETITIONS

SD3, LLC
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In re Application of
Gass et al.
Application No. 09/929,236
Filed: August 13, 2001
Attorney Docket No. SDT 307

ON PETITION

This is a decision on the renewed petition under 37 CFR 1.181 to withdraw the holding of abandonment, filed September 15, 2006.

The petition to withdraw the holding of abandonment is **GRANTED**.

This above-identified application became abandoned for failure to timely file a complete reply to the non-final Office Action of December 22, 2003. An amendment was filed on April 15, 2004. In response to the amendment a Notice of Non-Compliant Amendment (37 CFR 1.121) was mailed on April 29, 2004 which set an extendable reply period of one month. A reply to the Notice of Non-Compliant Amendment was not received. This application became abandoned on May 30, 2004. A Notice of Abandonment was mailed on March 18, 2005. A petition to withdraw the holding of abandonment was dismissed on July 17, 2006.

Petitioner asserts that the Notice of Non-Compliant Amendment mailed April 29, 2004 was never received. Petitioner contends a second amendment received in the Office on July 7, 2004 was not in response to the Notice of Non-Compliant Amendment. The purpose of the second amendment was to defer double patenting rejection in a co-pending application. In support, petitioner has provided a copy of what appears to be the front copy of a file jacket. In support of petitioner's contention, copy of the docket records has been provided.

The Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn

This application is being forwarded to Art Unit 3724 for re-mailing of the Notice of Non-

Compliant Amendment to the correspondence address of record. The time period for reply will be set to run from the mailing date of the new Office Communication.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3215.

A handwritten signature in black ink, appearing to read "Charlema R. Grant". The signature is fluid and cursive, with a large initial "C" and a stylized "G".

Charlema R. Grant
Petitions Attorney
Office of Petitions